

REMARKS

Claims 1 and 3-20 are pending in this Application.

Applicants gratefully acknowledge the Examiner's indication that claim 10 would be allowable if rewritten in independent form. However, for at least the reasons discussed below, Applicants respectfully submit that all claims herein are allowable.

Claims 1, 3, 9, 12, 13, and 19 stand rejected under 35 U.S.C. §103(a) as being anticipated by Pearlstein (US Patent No. 6,594,311) in view of Nagao (US Patent No. 6,373,992). Claims 4-5, 8, 11, 14-15, 18, and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Pearlstein in view of Miyasaka et al. (US Patent No. 5,991,503, and hereinafter "Miyasaka") and Nagao. Claims 6-7 and 16-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Pearlstein in view of Honjo (US 2001/0033737) and Nagao.

Applicants respectfully traverse these rejections in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention (e.g., as defined by exemplary claim 1) is directed to an image processing apparatus for obtaining processed compressed moving image data by carrying out image enhancement processing on compressed moving image data.

The image processing apparatus includes division means for dividing the compressed moving image data into a target part to be corrected and a non-target part not to be corrected, decoding means for obtaining decoded data by decoding the target part, correction means for obtaining corrected decoded data by carrying out the image enhancement processing on the decoded data, encoding means for encoding the corrected decoded data, and combination means for obtaining the processed compressed moving image data by combining the target part that has been encoded with the non-target part. The image enhancement processing includes at least one of gradation correction, white balance correction, density correction, and sharpness processing.

In a conventional image processing apparatus, as described in the Background of the present Application, a video signal is first subjected to A/D conversion to generate moving image data. A brightness histogram is then calculated regarding the moving image data, and a look-up table based on the histogram is generated and used for gradation correction (e.g.,

see Application at page 1, lines 14-20).

In such conventional apparatus, a server sends the image data to the receiver mobile phone, or temporarily stores the image data for future downloading. If the image enhancement processing is not carried out fast in the server, a user feels stressful. Therefore, the service is not improved but degraded. Furthermore, if the time necessary for the image enhancement processing is long, the server needs to have a large-capacity storage device for storing the image data to be processed. In this manner, the server becomes more costly (e.g., see Application at page 3, lines 10-18).

In the claimed invention, however, the image enhancement processing includes at least one of gradation correction, white balance correction, density correction, and sharpness processing (e.g., see Application at page 3, lines 6-8).

II. THE PRIOR ART REJECTIONS

In rejecting claims 1, 3, 9, 12, 13, and 19, the Examiner alleges that one of ordinary skill in the art would have combined Pearlstein with Nagao to render obvious the claimed invention. Applicants respectfully submit, however, that the references would not have been combined as alleged by the Examiner and that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention. Applicants respectfully submit, however, that the alleged reference does not teach or suggest each and every feature of the claimed invention.

That is, an alleged combination of Pearlstein with Nagao fails to teach or suggest, *“division means for dividing the compressed moving image data into a target part to be corrected and a non-target part not to be corrected; decoding means for obtaining decoded data by decoding the target part; correction means for obtaining corrected decoded data by carrying out the image enhancement processing on the decoded data; encoding means for encoding the corrected decoded data; and combination means for obtaining the processed compressed moving image data by combining the target part that has been encoded with the non-target part, wherein the image enhancement processing comprises at least one of gradation correction, white balance correction, density correction, and sharpness processing,”* as recited in claim 1, and similarly recited in claims 3, 4, 6, 8, 9, 11, 12, 13, 14, 1618, 19, and 20.

Indeed, processing for inserting a specific other image into a part of a motion image, as disclosed in Pearlstein, is generally performed by specifying the part into which the specific image is inserted because of the nature of the processing. Further, Pearlstein discloses performing decoding, image insertion and encoding processing only on the specified part of the motion image.

In contrast, processing such as gradation correction, which is disclosed in Nagao, is generally performed on the entire area of the motion image. Therefore, it would not be easy for those skilled in the art to have conceived of specifying, as a target of gradation correction processing, a part of a compressed motion image, nor to have conceived of selectively performing decoding, gradation correction and encoding processing on the specified part of the compressed motion image.

In other words, those skilled in the art would not have been motivated to simply apply the concept of "a part of the motion image," disclosed in Pearlstein, to gradation correction or the like disclosed in Nagano, which is generally performed on the entire area of the image.

Therefore, even if the gradation processing or the like of Nagao is simply combined with the technique disclosed in Pearlstein, decoding, correction (gradation correction or the like), and encoding processing would be sequentially performed on the entire area of the compressed motion image. In other words, unlike the present invention, Pearlstein in view of Nagano fails to teach or suggest dividing the compressed motion image data into a part to be corrected (gradation correction or the like) and a part not to be corrected (gradation correction or the like), decoding only the part to be corrected, correcting the decoded part, encoding the corrected decoded part, and combining the encoded part with the part not to be corrected.

Moreover, Applicants respectfully submit that these references are unrelated and would not have been combined as alleged by the Examiner. Thus, no person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

Further, Applicants submit that there is no motivation or suggestion to urge the combination as alleged by the Examiner. Indeed, these references clearly do not teach or suggest their combination. Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

Therefore, Applicants respectfully submit that one with ordinary skill in the art would

not have combined Pearlstein with the teachings of Nagao, and even if combined, the alleged combination does not teach or suggest (or render obvious) each and every feature of the claimed invention. Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

Furthermore, in rejecting claims 4-5, 8, 11, 14-15, 18, and 20, the Examiner alleges that one of ordinary skill in the art would have combined Pearlstein with Miyasaka and Nagao to render obvious the claimed invention. Applicants respectfully submit, however, that the references would not have been combined as alleged by the Examiner and that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

That is, as set forth above, those skilled in the art would not have been motivated to simply apply the concept of “a part of the motion image,” disclosed in Pearlstein, to gradation correction or the like disclosed in Nagano, which is generally performed on the entire area of the image.

Moreover, Applicants submit that one with ordinary skill in the art would not have combined Pearlstein with the teachings of Miyasaka.

That is, the Examiner attempts to pick and choose different elements and functions from the device of Miyasaka to enable the non analogous device of Pearlstein to have a structure similar to the claimed image processing apparatus. Therefore, Applicants respectfully submit that the Examiner is improperly using the claimed invention as a roadmap and that one of ordinary skill in the art would not have combined the references as alleged by the Examiner.

Indeed, a direct substitution of the first and second set of frames of Pearlstein with intra and inter frames of Miyasaka, as alleged by the Examiner, would change the principle of operation of Pearlstein.

Such change in principle of operation means the Examiner has not established a *prima facie* obviousness rejection, as explained in *In re Gorden*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) “*If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification*” (see MPEP 2143.01(V)), and in *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) “*If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the*

teachings of the references are not sufficient to render the claims prima facie obvious" (see MPEP 2143.01(VI)).

Therefore, Applicants respectfully submit that one with ordinary skill in the art would not have combined Pearlstein with the teachings of Miyasaka and Nagao, and even if combined, the alleged combination does not teach or suggest (or render obvious) each and every feature of the claimed invention. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Furthermore, in rejecting claims 6-7 and 16-17, the Examiner alleges that one of ordinary skill in the art would have combined Pearlstein with Honjo and Nagao to render obvious the claimed invention. Applicants respectfully submit, however, that the references would not have been combined as alleged by the Examiner and that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

That is, as set forth above, those skilled in the art would not have been motivated to simply apply the concept of "a part of the motion image," disclosed in Pearlstein, to gradation correction or the like disclosed in Nagano, which is generally performed on the entire area of the image.

Moreover, Applicants submit that one with ordinary skill in the art would not have combined Pearlstein with the teachings of Honjo.

Indeed, a direct substitution of the first and second set of frames of Pearlstein with I and P frames of Honjo, as alleged by the Examiner, would change the principle of operation of Pearlstein.

Such change in principle of operation means the Examiner has not established a *prima facie* obviousness rejection, as explained in *In re Gorden*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) "*If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification*" (see MPEP 2143.01(V)), and in *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) "*If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious*" (see MPEP 2143.01(VI)).

Therefore, Applicants respectfully submit that one with ordinary skill in the art would

not have combined Pearlstein with the teachings of Honjo and Nagao, and even if combined, the alleged combination does not teach or suggest (or render obvious) each and every feature of the claimed invention. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

V. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicants submit that claims 1 and 3-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

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Respectfully Submitted,

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